

Mail Certificate

I hereby confirm that I, Kevin D., McCarthy, have deposited this correspondence along with other documents with the U.S. Postal Service by first class mail on March 16, 2006 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Kevin D. McCarthy

Date 3-16-06

Patent

0-05-201 - 10515/US/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Sonnenschein
Serial no.: 09/809,291
Filing date: March 15, 2001
Title: FUNDOPLICATION APPARATUS AND METHOD
Examiner: Leubecker, John
Art Unit: 3739

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

RESPONSE AND AMENDMENT

This response is in reply to the office action mailed on February 16, 2006.

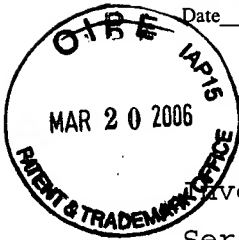
Applicant elects group 1 – claim 1-25, and most of the claims have been amended (starting at page 2) to clarify the fact that all claims are dependent on claim 1 and to remove inconsistencies in the terminology used. In particular claims 26 and 48 have been amended to clarify the issues raised by the examiner. Claims 55 to 62 have been cancelled. New claims 65 to 67, which relate to features deleted from the original claims 48 and 53, have been added. Since more dependent claims have been cancelled than added, no charges are expected. No new features have been added to any of the claims.

In view of the amendments made to the claims, Applicant believes that the question of unity of invention has been resolved and respectfully requests the examiner to modify the restriction requirement and proceed with examination of all pending claims.

Respectfully submitted

Kevin D. McCarthy
Reg. No. 35,278

Roach, Brown, McCarthy & Gruber, P.C.
1620 Liberty Building - 420 Main Street
Buffalo, New York 14202



GP3739
IFW